

# **Pennsylvania Department of Environmental Protection/United States Environmental Protection Agency Region III Joint Environmental Priorities Agreement**

## **Purpose:**

Since 1995, the United States Environmental Protection Agency (EPA) Region III has supported the National Environmental Performance Partnership System (NEPPS). The system is designed to offer states greater flexibility in meeting EPA's single-media grant requirements through cross-media, cross program activities. EPA recognizes that traditional, single media approaches, programmatically and through grant allocations do not always provide the flexibility that its partners require to meet environmental needs. Partnering with the Pennsylvania Department of Environmental Protection (DEP) on cross media projects offers a flexible, strategic approach to ensuring the public clean air to breathe, clean water to drink, and safe places to live, work, and play. Establishing an effective partnership allows EPA and DEP to focus combined resources more wisely.

DEP and EPA have chosen to express their partnership through a joint Environmental Priorities Agreement. By entering into this agreement, DEP and EPA will be able to better focus limited resources on programs and projects that will either directly or indirectly result in significant environmental and human health protections.

Numerous documents and findings have focused on a range of environmental issues in Pennsylvania. In 1998, the 21<sup>st</sup> Century Environment Commission completed its report on priority issues for Pennsylvania in the 21<sup>st</sup> Century. The report recognized that "a healthy environment, a dynamic economy and the well being of our communities are directly linked. To make progress in one area, Pennsylvania must strive for simultaneous excellence in all". This agreement seeks to capture the spirit of the 21<sup>st</sup> Century Environment Commission and uses its recommendations as a framework for identifying environmental priorities and establishing a baseline for measuring our collective success.

In the first year of this Agreement, the partners agree to target a limited number of initiatives and build upon them in successive agreements. Senior staff from both DEP and EPA will be assigned to each of the priority areas outlined and will be responsible for implementing agreed upon principles and goals, and reporting progress on a quarterly basis.

## **Agreement Principles:**

The principles and goals set forth in this agreement are:

- o *Collaborating on multi-media solutions to identified environmental problems by openly sharing information and perspectives, where appropriate;*

- *Committing to institutionalize an environmental management system approach that is based on real world indicators, measurable results, and improved environmental conditions;*
- *Promoting continuous improvement and innovative approaches to environmental protection efforts;*
- *Increasing efforts to engage the public through timely, accurate, and accessible information;*
- *Moving from an EPA oversight relationship to one of true partnership;*
- *Furthering the commitment to joint strategic planning that will assist the Partners in identifying environmental conditions and the underlying causes of impaired conditions, and applying resources toward improving conditions with the most serious impacts.*
- *Ensuring that future agreements and efforts to streamline program implementation incorporate, but do not impact, baseline program operations.*

### **Partners:**

This agreement is entered into between the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency Region III.

### **Priority Areas:**

As stated, the partners agree to target their initial efforts to a limited number of initiatives and build upon them in successive agreements. The priority areas identified are:

- *Watershed Restoration*
- *Enhancing Environmentally Responsible Development*
- *Reducing Environmental Exposure to Citizens including Sensitive Populations*

### **Agreement Goals:**

#### ***1. Watershed Restoration:***

The Pennsylvania Department of Environmental Protection has worked to emphasize a watershed management approach as a means to build solutions from the bottom up. DEP's Growing Greener supports the establishment of new watershed groups and millions of dollars have been allocated for watershed and stream restoration efforts. Through the Environmental Futures Program, DEP has established 34 watershed teams to address environmental indicators at the

watershed level. These efforts rely on local volunteers to work with DEP staff to develop and implement local solutions.

In order to support watershed restoration efforts and pursue the principles set forth in this agreement, the Partners agree to:

- Reinforce DEP's efforts of indicator-based management through Environmental Futures by sharing relevant data, where appropriate, and continuing to provide support on indicator development
- Identify "pilot" watershed projects that will implement the goals of this agreement and the Environmental Futures Program. The identified projects will serve as models for federal funding flexibility to meet state, regional, and local needs.
- Conduct education and training of their respective staff on NEPPS, Partnership Agreements, and the Environmental Futures Program. Cross-fertilization of ideas and management strategies will help in achieving environmental successes by using flexible approaches.

## **2. *Enhancing Environmentally Responsible Development***

The 21<sup>st</sup> Century Environment Commission determined in 1998 that land use was the top environmental priority for Pennsylvania. In response to the Commission's Report, Governor Ridge issued an Executive Order establishing policy to guide Commonwealth agencies when making decisions that impact land use. DEP has instituted a policy to consider land use when making certain permitting decisions. In addition, DEP is providing funding for sound land use projects through Growing Greener as well as through the Office for Pollution Prevention and Compliance Assistance.

In order to support environmentally sensitive development the Partners agree to:

- Undertake pilot projects that demonstrate the benefits of environmentally sensitive development. Under this effort, EPA will focus federal resources on reinforcing local and State planning and environmental preservation objectives. This will be accomplished by providing technical assistance and tailoring regulatory approaches that would minimize regulatory burdens for sound development activities.
- Establish an *urban revitalization workgroup*. This workgroup will work to establish a series of workshops to address significant urban revitalization issues such as infrastructure needs, "green redevelopment", "green" construction techniques, and impacts to sensitive population in urban corps.

- Undertake pilot projects in areas where stormwater is a priority concern. These projects will demonstrate environmentally sound approaches to land use planning and development in relation to stormwater, and seek innovative best management practices for correcting ineffective stormwater approaches of the past. DEP and EPA will also identify partners, such as universities and local government associations, to assist and sponsor stormwater compliance assistance forums for municipalities in the Pennsylvania.

### **3. *Reducing Environmental Exposure to Citizens including Sensitive Populations***

DEP's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. The Commonwealth and the Federal Government will work as partners with individuals, organizations, local governments and businesses to prevent pollution and restore natural resources. However, in many minority and low-income communities, a multitude of social and economic problems compound the environmental impacts on those populations. These problems include: limited education; limited access to healthcare, limited access to relevant information, limited access decision makers; and limited financial resources. These constraints can result in decreased participation by such populations in decisions that affect their communities.

Environmental impacts also place a unique burden on particularly sensitive populations. Prime examples include children, the elderly and those with compromised immune systems. Chronic and infectious diseases related to the environment, such as asthma and the West Nile virus, pose particular challenges to these populations

The partners recognize these issues and therefore place a special emphasis on reducing harmful environmental exposures to sensitive populations. In order to reduce environmental exposure to sensitive populations the partners agree to:

- Place special emphasis on low income and minority communities that are suffering disparate impacts, not just in permitting decisions, but also in remediation and pollution prevention activities.
- Work to implement the recommendations of the Pennsylvania Environmental Justice Work Group.
- Develop a tracking system that links environment and health impacts so that the partners as well as the U.S. and Pennsylvania Departments of Health can have information necessary to identify where an environmental decision may have a disparate negative health impact.

- Identify areas of the state where there may be elevated occurrences of infectious and chronic disease related to environmental exposures, and identify all of the partners' tools to mitigate the impacts.

### **Administering the Agreement:**

The Partners agree to communicate on a regular basis; to meet quarterly to discuss overall progress of the activities outlined in the Agreement; and to lay the foundation for electronic, shared access to relevant information developed within this Agreement. The activities described are dependent on DEP and EPA dedicating personnel to implement or modify, if necessary, the Agreement once all parties adopt it.

The partners are committed to timely resolution of disputes. The Partners agree to treat the resolution process as an opportunity to improve joint efforts. Sincere attempts should be made to resolve disputes at the staff level. Where disputes cannot be resolved within a two-week period, each Partner shall elevate the issue to a higher equivalent level in comparable fashion in each organization.

EPA and PA DEP agree that nothing in this Agreement should be read or construed to abrogate or alter the responsibilities, authorities, and procedures conferred upon each by statute, regulation, delegation, grant or authorization agreement.

This document is intended solely as guidance for employees of the EPA and PA DEP. It is not a rule and does not create any legal obligations or rights.

To ensure effective communication, each party has designated a point of contact in each of the priority areas. Those designees are listed below.

### **Responsible Officials:**

#### **Department of Environmental Protection:**

Christine Martin	Eric Conrad	John T. Hines
Deputy Secretary	Deputy Secretary	Policy Director
Water Management	Field Operations	Policy Office

Alisa Harris  
Director  
Office of Environmental Advocate

**U.S. Environmental Protection Agency Region III:**

James W. Newsom  
Assistant Regional  
Administrator  
Policy and Management

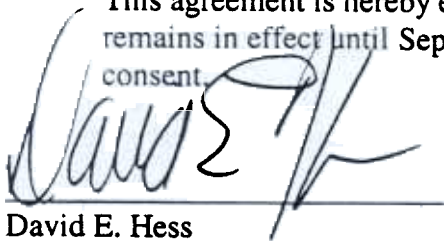
Jon M. Capacasa  
Acting Director  
Water Protection Division

Samantha Fairchild  
Director  
Enforcement, Compliance,  
and Environmental Justice  
Office

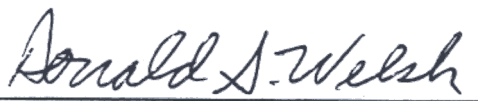
Barbara Z. D'Angelo  
Director  
Environmental Innovation Office

**Agreement:**

This agreement is hereby entered into this 24th day of September 2002, and remains in effect until September 2004, unless amended or extended by mutual consent.



David E. Hess  
Secretary  
Pennsylvania Department of  
Environmental Protection



Donald S. Welsh  
Regional Administrator  
U.S. Environmental Protection  
Agency Region III